

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAN BROWN and RANDOM HOUSE, INC., :
 :
 : Plaintiffs, :
 :
 : against :
 :
 LEWIS PERDUE, :
 : Defendant. :
-----X

Civil Action No.
Index No. 04 CV 7417 (GBD)

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LEWIS PERDUE, :
 : Counterclaim-Plaintiff, :
 :
 : against :
 :
 DAN BROWN, RANDOM HOUSE, INC., :
 COLUMBIA PICTURES INDUSTRIES, INC., :
 SONY PICTURES ENTERTAINMENT INC., :
 SONY PICTURES RELEASING CORPORATION, :
 and IMAGINE FILMS ENTERTAINMENT, LLC, :
 :
 : Counterclaim- :
 Defendants. :
 :
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**DECLARATION OF
LEWIS PERDUE IN
OPPOSITION TO PLAINTIFFS'
MOTION TO DISMISS OR,
IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

I, Lewis Perdue, hereby declare under penalty of perjury that the following statements are true:

1. I am the Defendant and the Counterclaim-Plaintiff in this action. I am fully familiar with the facts set forth below and make this Declaration in opposition to the motion by Plaintiffs Dan Brown and Random House, Inc. and Counterclaim-Defendants Dan Brown, Random House, Inc., Columbia Pictures Industries, Inc., Sony Pictures Entertainment, Inc., Sony Pictures Releasing Corporation, and Imagine Films Entertainment, LLC (collectively "Plaintiffs") for a judgment on the pleadings or, in the alternative, for summary judgment and to dismiss or, in the alternative, for summary judgment on my counterclaims.

EVENTS LEADING TO THE COMMENCEMENT OF THIS LAWSUIT

2. I am a successful author. I have had 19 books published, 12 of which are fiction. The 20th book is scheduled to be published in September 2005. That book will be my 13th novel. Although the exact sales figures of my books is not known because of the bankruptcy of my earlier publisher, approximately 2.5 million of my books have been sold according to Pinnacle documents. In contrast, Plaintiff Dan Brown (“Brown”) was an almost completely unknown author until the publication of *The Da Vinci Code* (“Code”) in 2003.¹

3. In 1985, Publisher Donald I. Fine, Inc. published a novel of mine, entitled *The Linz Testament* (“Linz”). In 1988, *Linz* was again published by Pinnacle/Kensington Publishing. Thereafter, I extensively re-worked *Linz* into *Daughter of God* (“*Daughter*”) and in 2000, *Daughter* was published by Tom Doherty Associates LLC. *Daughter* has received extensive critical acclaim, some critics being of the opinion that it is considerably superior to *Code*, which was published three years later.

4. One of the many other novels I authored is titled *The Da Vinci Legacy* (“*Legacy*”), which was published by Pinnacle Books in 1983. Although my copyright infringement claims in this action are based primarily on *Daughter*, *Legacy* is mentioned because Brown also plagiarized many of the elements of *Legacy* in writing *Code*. This is further significant because *Linz* and *Daughter* are continuations of the same theme which first explored in *Legacy*.

5. These three books are inextricably linked to one another. Indeed, I could never have written *Linz* without having first written *Legacy*. Nor could I have written *Daughter* without first writing *Linz* which, in turn, depends on *Legacy*.

¹ During an interview conducted on May 8, 2004, Jason Kaufman, Brown’s editor, indicated that Brown’s earlier three novels had sold only 20,000 copies prior to the publication of *Code*.

6. After publication of *Code*, in or about the Spring of 2003, I began receiving unsolicited emails and other communications from readers calling my attention to similarities between my books and *Code*.

7. In or about May of 2003, however, after reading a book review of *Code* in *The Washington Post*, and then giving the previous communications renewed attention, I bought and read *Code*. While and after reading *Code*, I felt not only that I had read *Code*, but that I had written it.

8. Astounded by the similarities between *Code* and my novels, in or about mid-May of 2003, I, with neither legal representation nor an intention to sue, contacted Plaintiff Random House, Inc. (“Random House”) to determine the identity of the person(s) with whom I could discuss the similarities.

9. Random House refused to provide me with the appropriate contact information, and, in or about late May of 2003, I was able to ascertain that Katherine Trager was the General Counsel of Random House (who was likewise an officer of Random House).

10. In late May of 2003, I wrote to Ms. Trager outlining, in part, details of some of the similarities between *Code* and *Daughter*. I asked Ms. Trager to contact me to discuss the similarities. At that time, I sent her a short, quickly prepared list of similarities between *Code* and *Daughter* but had not yet prepared a detailed outline of the similarities; nor did I make any threats about suing anyone for copyright infringement. At that point, it was a matter of intellectual honesty for me – not an issue of money.

11. After waiting in vain for approximately two weeks for Ms. Trager (or anyone else from Random House) to contact me, I contacted *Newsweek* magazine, and *Newsweek* published a story on the controversy.

12. Thereafter, in mid-June of 2003, after taking time to circle the wagons, Plaintiffs Brown and Random House, via their counsel, Ms. Trager, responded to me with a vehement and threatening denial, stating, among other things, that “you should be aware of the fact that, should you bring any action, as you have threatened in the media, Doubleday and Mr. Brown would vigorously defend the action and seek attorneys’ fees. You should be further advised that Doubleday has obtained awards of attorneys’ fees in similarly meritless cases alleging copyright infringement.”

13. Thus, in response to my request for information and a person to talk to, Plaintiffs threatened me with the wrath of Random House (the largest publisher in the United States) and its parent company, Bertelsmann, (the largest publisher in the world), stating clearly that I would be faced with claims for substantial sums in legal fees should I seek to pursue my rights any further.

14. With the threat delivered by Random House and its counsel, all communication between the parties was effectively cut off before it began.

15. Thereafter, in an effort to determine, among other things, how the reading public viewed the similarities between *Code*, *Legacy*, and *Daughter*, I created an online forum, posted the correspondence that I had sent to Ms. Trager, and requested readers’ opinions and thoughts.

16. This lawsuit was commenced *against* me shortly thereafter.

FORENSIC LINGUIST JOHN OLSSON

17. In or about October of 2003, I learned of, and then contacted, a forensic linguist and requested that an analysis be done to compare the similarities between my novels, *Daughter* and *Legacy* (collectively, the “Works”), and *Code*.

18. In or about December of 2003, after I had provided the forensic linguist with copies of all of the books in question, the forensic linguist concluded that Brown had “no doubt” plagiarized my Works.

19. Thereafter, the forensic linguist provided me with a preliminary analysis, pointing out hundreds of substantial and striking similarities between my Works and *Code*, in virtually every aspect of the books including, but not limited to: the sequence of events, characters especially the heroes and heroines who, in this expert’s opinion, were virtually identical in physical appearance, family and educational background, psychological “quirks,” motivations and state of mind plot, certain aspects of the discoveries of the documents in the books, the role of the Church, symbolism (evidencing the author’s view of history), overall structure, style, pacing, specific elements [e.g., golden key in painting], and even a virtually identical title.

20. Because forensic linguist John Olsson has elsewhere detailed the many similarities between *Legacy* and *Code* it is not appropriate for me to reiterate them in detail here. However, the following will illustrate that Priory of Sion (*Code*) is patterned after and inspired by the The Elect Brothers of St. Peter (*Legacy*). In both books, these two groups:

- A. originated in precisely the same time period
- B. under similar circumstances
- C. have the same motives (protect and continue the bloodline, restore the proper leadership and theology to the church),

- D. have the same physical treasure to protect (bones of the bloodline's origin),
- E. have associated themselves with scientific, literary, artistic and musical luminaries,
- F. have a secret that would destroy the Church as it exists today, and
- G. they are seeking to regain their former role in the church.

21. Mr. Olsson has elsewhere detailed the astoundingly similar characters, the similar sequence of events, the art expert (the fourth of his type) who, on page 35 of both *Legacy* and *Code* is killed because he knows an ancient secret linked to Leonardo Da Vinci and who, just before dying, leaves a message in his own blood on his own body that allows the hero to continue his quest.

RESEARCH CONDUCTED BEFORE WRITING *DAUGHTER*

22. The inclusion of certain themes in both novels is anything but typical of the "Thriller" genre. Simply stated, notions of a divine feminine, the unity of the male and female in pagan worship, the importance of Sofia, the "Great Goddess" of the Gnostic Gospels, the fact that history is relative and is controlled by victors, not losers, the importance of the Roman Emperor Constantine in requiring a transition from a female to a male dominated religion, as well as to create a unified religion having a common dogma, the quest not only for physical objects, but for spiritual fulfillment as well, are not the type of things that are common to the mystery/thriller genre. I first incorporated those elements in a novel when *Linz* was published in 1985. I later extensively re-worked *Linz* into *Daughter*, which was published in January 2000.² Dan Brown

² The novel was actually on store shelves in December 1999.

was the second to incorporate those elements in 2003 when Random House published *Code*. That is a chronological fact that cannot be disputed by the Plaintiffs in this action.

23. The research for my three works -- *Legacy*, *Linz* and *Daughter* -- spans twenty-five years of academic and other scholarly research including several hundred published books, interviews with scores of individuals, visits to museums and historical locations in at least ten countries, documents from the U.S. Archives, some of which were obtained under the Freedom of Information Act and many other sources.

24. Exhibit "A" consists of that subset of books which I used for my research *and* which currently reside in my personal library. Most of these books are extensively annotated. The books for this research are the largest single collection of items in a personal library that covers all the available wall space in every room of my house. If you include books I read in libraries or borrowed from others, I estimate that the total number of books used for research is at least twice that listed in Exhibit "A".

THE Gnostic GOSPELS

25. It is critical to recognize that I did not simply regurgitate the results of my research into *Daughter*. Much of my research involved the Gnostic Gospels, discovered at Nag Hammadi, Egypt in 1945, but not translated until the 1970's, and works commenting upon those Gospels. However, contrary to the false impressions created by the Plaintiffs, the Gnostic Gospels do not represent a set of uniform religious beliefs which would present a consistent and uniform source that could easily be consulted by myself or Brown.

26. To the contrary, some of the Gnostic Gospels differ markedly from other Gnostic Gospels, particularly regarding an issue that is central to both *Daughter* and *Code*, namely, the importance, or lack thereof, of the female in God's redemptive scheme. In writing *Daughter*, not only did I pick and choose among the differing religious beliefs expressed in different Gnostic

Gospels, but I also employed my artistic license to blend those differing religious beliefs and, in certain instances, to embellish upon them to create a holistic interpretation that is not present in the original documents. The simple fact is that the version of history that I created by sampling various of the Gnostic Gospels cannot be found in any single Gnostic Gospel.

27. In their motion, Plaintiffs, without any evidentiary support whatsoever, seem to suggest the Brown simply read the Gnostic Gospels, or that he read Elaine Pagels' work, *The Gnostic Gospels* and then adopted the ideas and beliefs expressed in those Gospels into *Code*. Hence, Plaintiffs have falsely contended (without any evidentiary support or even a declaration from Brown that this is what he actually did) that Brown could have simply used unprotected matters that are in the public domain when he wrote *Code*. But, of course, that is impossible.

28. The matters regarding the Gnostic Gospels that Brown used in his novel constituted my unique view of those Gospels. They are a synthesis created by me of matters from the Gnostic Gospels. My synthesis cannot be found in any single Gnostic Gospel. Furthermore, I embellished on matters found in the Gnostic Gospels. To the extent that Brown's expressions are identical to mine, the conclusion is compelling that he could only have copied from me.

THE DIVERSITY OF THE GNOSTIC GOSPELS

29. Gnostic beliefs are so diverse and encompass such a remarkably broad spectrum of beliefs, traditions, philosophies and theologies as to render the term "Gnosticism" useless. Because of this multiplicity of interpretations, there are almost as many "theologies" of Gnosticism as there are people pondering the subject.

30. Because of this intellectual and spiritual variation, it is remarkable that the interpretation of Gnosticism in *Code* is virtually identical to that which I created and expressed in *Daughter*, and previously in *Linz*.

31. Further, Plaintiffs' attorneys have erroneously sought to excuse those similarities by attempting to show a common source in *The Gnostic Gospels* by Elaine Pagels. Because Plaintiffs have submitted no evidence that author Dan Brown ever conducted his frequently touted "extensive research" nor any proof he ever read *The Gnostic Gospels* it would not be appropriate to speak to the common historical source issue in that context.

32. However, it is possible to show that my interpretation of Gnostic beliefs expressed in *Daughter* and *Linz* is a unique personal creation which differs substantially from that in *The Gnostic Gospels* and every other Gnostic "school," and yet is expressed identically in *Code*. In other words, I "imagined" a Gnostic philosophy that was unorthodox and unexpressed in any non-fiction historical or theological work and yet that same unorthodox image is found in *Code*.

33. My theological creation differs because I picked and chose among the wide variety of Gnostic beliefs in order to best fit the motivations of my characters, the movement of the sequence of events, the underlying symbolism and, in the end, the lessons I wanted my characters and my readers to take away from the books.

VARIATION OF BELIEF

34. Gnostic writings vary so enormously that one prominent authority, The Catholic Encyclopedia whose contents speak with the approval of the Vatican says that defining the entire realm of "Gnosticism" is fundamentally impossible because of "...the obscurity, multiplicity and wild confusion of Gnostic systems...." (Exhibit "B").

35. Another prominent source, the Department of Biblical Studies at the University of Helsinki explains that the term "Gnosticism" covers so much intellectual territory that many scholars feel the term itself is not useful. (Exhibit "C").

36. Indeed, the only common definition of Gnosticism which finds acceptance in orthodox Catholic circles as well as by non-theologically oriented scholars is “those religious doctrines and myths of late antiquity that maintain or presuppose that the cosmos is a result of the activity of an evil or ignorant creator and that salvation is a process in the course of which a human being receives the knowledge of his/her divine origin and returns to the realm of light after having been freed from the limitations of the world and the body.” (Exhibit “C”).

37. Ironically, I rejected this fundamental premise when I created the interpretation of Gnosticism that appears both in *Daughter* and Brown’s *Code*. Thus, Plaintiffs grossly misinterpret the theological foundations and symbolic expression that appears in both novels. Hence, Exhibit “D” of the McNamara affidavit is neither appropriate nor significantly relevant to the current case because the views expressed by Pagels are different from the views expressed by me and Brown.

PAGELS’ “SCHOOL” EXPRESSED IN GNOSTIC GOSPELS

38. Pagels’ landmark work, *The Gnostic Gospels*,³ interprets Gnosticism within the framework of orthodox Christian thought, examining the reasons why Gnostic scriptures were not included among the canon of what would become the Catholic Church. It is worth noting that none of her writing places great emphasis on the role of Constantine in this process, nor on the Council at Nicea, which is expressed very forcefully in *Daughter* and *Code*, counter to most mainstream historical sources.

39. Indeed, *The Gnostic Gospels* focuses almost entirely on one major school of Gnostic thought, that of Valentinus. According to Exhibit C, “Valentinian Christianity is the clearest example of a gnostic school which stresses Christian elements. The group received its

³ Exhibit “D” to the McNamara affidavit.

title from a Christian named Valentinus, a native of Egypt, who was a teacher in congregations in Rome in the second half of the second century.”

40. Contrary to the Valentinian backbone of *The Gnostic Gospels*, I created a philosophy that was closer to -- but not entirely of -- The Sethian school which Pagels mentions only in passing.

41. I named the hero of *Daughter*, Seth, to symbolically recognize my debt to this school of Gnosticism. But I did not adopt the Sethian philosophy whole cloth. I selected two of its major tenets:

A. The reverence for Sophia and her divine position as female deity, creator, savior and incarnation of the Great Goddess. I established Sophia as the female aspect of the one Creator of the Universe, and

B. Some (but not all) Sethian interpretations of Genesis 2-6, most significantly for this case, the creation of Eve and the eating of the tree of knowledge. (Exhibit “D”: Sethian Gnosticism: A Literary History, John D. Turned, Professor of Religious Studies at The University of Nebraska).

42. Significantly, I named the heroine of *Daughter*, Zoe (another name for Eve) to symbolize her role as the progeny of Sophia, making her a “Daughter of God.” *Code* uses this precise and identical symbolism. The heroine of *Code* is named Sophie (the diminutive of Sophia) Neveu (“new Eve”). Sophie is represented as the progeny of Mary Magdalene who -- in the Gnostic interpretations of *Daughter* and *Code* -- is seen as The Great Goddess, Sophia.

43. The issue of the eating of the tree of knowledge is examined in the Memorandum of Law submitted herewith as that of “Goddess Eating” and the roots of the Christian commu-

nity. As illustrated in the Memorandum of Law this concept is expressed in identical terms and near-identical words in both *Daughter* and *Code*.

44. It is vital to understand that neither the Gnostic Gospels nor any other “school” of Gnosticism offers systematic support for these or the other interpretations because *I* created them, yet we find them expressed identically in both *Daughter* and *Code*.

45. Also significantly, I rejected the fundamental Sethian concept of Seth, the third son of Adam and Eve, as savior, and instead extended the concept of Sophia into the notion of her as, in the words of Prof. Turner, “Mother of the Logos and as the Mother figure in a divine triad of God the Father, Sophia the Mother, and Logos the Son.” (Exhibit “D”).

46. Given the astoundingly similar expressions in *Daughter* and *Code* of the divine Feminine (Mary/Sophia/Great Goddess) and the importance of sex, two further points need serious consideration:

A. There was, by no means, a consensus among Gnostics that Sophia was divine nor that women were to enjoy equal status with men. Indeed, some Gnostic writing required that women had to become men before they could enter heaven.

B. There was also no consensus that love, sex or erotic thought was associated with Sophia or the Goddess. Indeed, some Gnostic schools felt that the physical realm was so evil that adherents ought to be celibate.

47. Even though Pagels interprets Gnostic thought in the framework of Christianity and focuses on the Valentinian school, she says “...the texts themselves are extremely diverse...” and frequently illustrates her selections and demonstrates her recognition of the vast theological spectrum with frequent references. For example, in the chapter submitted by Plaintiffs as Exhibit “D”, Pagels frequently prefaces her words with “One group of gnostic sources...”, “some gnos-

tics adopted this idea,” “several gnostic sources describe...”, “according to one teacher...”, “other gnostics attributed...”

48. The number of these instances is too numerous to list here completely, but the central point is that Pagels is presenting *her* interpretation and analysis of Gnosticism by selectively quoting and emphasizing certain sources and omitting others. This is an academically sound method. While *Daughter* obviously does not rise to the academic level of *The Gnostic Gospels*, I used the exact same process of selection and rejection of concepts, relying on many, many different sources (Exhibit “A”) to form the scholarly basis of my own interpretation.

49. But if the two novels were relying upon Pagels as a common source, those two works would be expected to include Pagels’ interpretation or a subset of her work, rather than duplicating a different interpretation as has happened with *Daughter* and *Code* – an interpretation which is original and unique to me..

THE EMPEROR CONSTANTINE

50. Both *Daughter* and *Code* also contain an extensive discussion of the Roman Emperor Constantine. The Emperor Constantine is central to both novels. While many historians dispute the contention, both *Daughter* and *Code* state that the Roman Emperor Constantine, known as the first Christian Emperor, was not baptized a Christian until he was on his death bed.. Before his baptism and death, Constantine convoked the Council of Nicea. At the time of the Council, unrest existed between the Romans, who worshiped many pagan gods, and the early Christians. In addition, there were disagreements among early Christians regarding certain pivotal religious issues. By importing some of the elements of the pagan religion into Christianity, Constantine made Christianity acceptable to the pagans and caused many to convert to Christianity. In addition, the Council of Nicea determined the acceptable boundaries of Christian

dogma for the first time. Through his military might, Constantine enforced the dogma that had been promulgated by the Council.

51. The stories in both *Daughter* and *Code* are frontal assaults on Constantine and the determinations made by the Council of Nicea. That is hardly typical of the mystery/thriller genre. In addition, neither Brown nor I stick to the “party line” of historical consensus, but instead express identical interpretations of history in order to further the plots.

52. But simply mentioning details about Gnostics or the Emperor Constantine does not do justice to the extensive interweaving of hundreds of historical and theological sources I created for *Legacy*, *Linz* and *Daughter*. There are myriad elements I selected, then applied my own unique interpretation in the expression of my work which them somehow found their way into *Code*.

**DAUGHTER OF GOD REPRESENTS A PERSONAL
SYSTEM OF THEOLOGY, WHICH WAS COPIED BY BROWN**

53. In the end, *Daughter* presents a unique personal system of theology and an associated interpretation of history that are non-conventional, controversial, iconoclastic, by no means “mainstream” and whose content, context, structure and conclusions are found nowhere else in this form anywhere but in *Code*.

54. Plaintiffs’ attorneys have struggled, incorrectly, to assert that the only religious similarities are Gnostic and patterned directly after either *Gnostic Gospels* or *Holy Blood, Holy Grail*.⁴ In reality, the material plagiarized in *Code* consists of an extensive and detailed synthesis of history and multiple schools of theology which I created for *Daughter* and based on equally unique work expressed in *Linz* and *Legacy*.

⁴ *Holy Blood, Holy Grail* was a bestseller, which discussed the possibility that Jesus and Mary Magdalene were married and probably had children.

55. That unique system of theology and history is a mixture of the following elements:

A. The evolution of Goddess worship and the causally linked cultural transitions of women in society,

B. The reasons human visions of God changed from female to male and the fact that by the time of the birth of Jesus, Goddess worship had been nearly stamped out and women were little better than slaves,

C. Life became “out of balance” when women and the Goddess were dominated by men, and

D. The books then begin a reformist theme that calls for a return of Christianity to its true roots with a curious combination of history and Gnostic opinion that posit the following:

i. Jesus believed men and women were equal,

ii. Mary Magdalene was supposed to lead the church, not Peter,

iii. Power struggles resulted in the ouster of Mary and other women but diverse factions of Christianity retained her and fought with each other,

iv. Constantine, a pagan, grew tired of Christian squabbling, ended it at the Nicean conference, but in the process created an awesome secret the Church has spent 1,800 years killing to keep secret, and

v. Church scriptures are cynically twisted works misconstrued to support the personal power trips of those at the top.

56. There is no source for this complete and systematic structure other than my works. The only credible explanation for this complete system's presence in *Code* is that of plagiarism.

THE USE OF SYMBOLS IN THE NOVELS

57. Plaintiffs have also woefully overlooked the important use of symbols in both *Daughter* and *Code*. Based both on a reading of *Code* itself, as well as statements by Brown and his publisher, Brown has constructed a novel that rejects the sort of literal interpretation given to it by Plaintiffs in this action. Indeed, Robert Langdon, Brown's hero in *Code*, is a Harvard trained *symbolologist*.

58. For example, the surname of Brown's heroine in *Code*, Sophie Neveu, is translated as meaning "New Eve." Likewise, the name "Zoe" of my heroine in *Daughter*, Zoe Ridgeway, means "Eve." And, of course, Sophie and Sophia are the same name meaning "wisdom," and also the names of the Great Goddess.

59. Furthermore, the names of a number of the other characters in *Code* have a symbolic meaning. Jonas Faukman is Langdon's editor in *Code*. Faukman is an anagram of Kaufman. Jason Kaufman is Brown's real-life editor. Bezu Fache is the top police investigator in Brown's novel. Bezu is a name taken from *Holy Blood, Holy Grail*. Fâche, in French, means "angry." Fache is constantly portrayed as angry.⁵ Similarly, Marie Chauvel, Sophie Neveu's grandmother, is named for an actual historical figure, Marie Chauvel de Chauvigny, a bishop and head of the Eglise Gnostique Apostolique, the French church of Gnostic apostles.⁶ Jacques Sauniere, the scholar murdered at the opening of *Code*, was an actual priest interested in occult and grail, and was taken from *Holy Blood, Holy Grail*. Andre Vernet was head of the Swiss

⁵ "Fache carried himself like an angry bull." (*Code* at 21).

⁶ (<http://www.gnostique.net/ecclesia/succession.htm>)

bank in Brown's novel. In real life, Vernet was an French professor *emeritus* at Exeter, and was one of Brown's teachers.

60. Also symbolic is Brown's use of Mary Magdalene. Significantly, *Code* is not so much about the marriage of Jesus and Mary Magdalene as it is about the larger issue of the suppression of the divine feminine in Christianity. The marriage of Jesus and Mary Magdalene is merely symbolic of that suppression. The issue of symbolism is vital in understanding the substantial similarity between the novels. Brown has plagiarized my symbolism time after time.

61. Plaintiffs' dismissal of Nazis as being irrelevant is incorrect and misleading. Indeed, the Nazis had a fervent belief that they were descendents of "The Teutonic Knights," which were the rightful heirs to the Templars on which *Code* is based. Indeed, I used this connection as my historical linkage for putting the Sophia Passion in Hitler's hands.

THE SEQUENCES OF EVENTS

62. In both *Daughter* and *Code*, certain common elements drive the plots. The common elements are the Divine Feminine, the suppression of the Divine Feminine by Constantine and the Catholic Church, the existence of physical evidence of the Divine Feminine, the desire of the Catholic Church that the physical evidence never be found, the existence of two rival groups that seek the physical evidence, the desire of one of the groups to use the physical evidence to blackmail or coerce the Pope, etc.

63. In discussing those elements, both *Daughter* and *Code* say the same things, sometimes using language that is almost identical, and place those events and elements in identical or nearly identical positions.

64. In both *Daughter* and *Code*, there are mysteries, clues, priceless works of art, gold keys, Zurich banks etc.

65. In both *Daughter* and *Code*, the heroine undergoes significant learning experiences and is transformed spiritually as a result.
66. In both *Daughter* and *Code*, the object of the quest finds the actors, not the other way around.
67. In both *Daughter* and *Code*, the physical evidence is either not found or it is destroyed.
68. Both *Daughter* and *Code* end on the common note that faith in what the physical evidence represents is much more important than the physical evidence itself.
69. The following sequence of events is repeated in both novels:
- **The opening murders.** While thrillers often begin with murders, the similarities in *Daughter* and *Code* are not stock and are non-generic. An older art-expert male with a big secret gives art-treasure clues to a younger female who is led to paintings that physically contain keys to the big secret that initiates the book-long quest to discover the truth, which has been guarded for centuries by clandestine religious groups, and which if revealed could topple the Catholic Church and all of Christendom.
 - **The gold key** hidden in a key painting—one in frame, the other in wood beneath paint. One has swastika, other has Priory symbols.
 - **Painting names:** Paintings in *Daughter* and *Code* both are given names. However, the similarities of the names of those two paintings—"Madonna of the Rocks" and "Home of Our Lady of the Redeemer" are suspiciously similar and tie into the theme of both novels that the feminine is part of the nature of God.
 - **Zurich safe deposit Box:** Zurich banks are stock venues in thrillers. However, the sequence of events leading to the Zurich bank in *Daughter* and *Code* are suspiciously similar. A gold key in a painting leads to a Zurich bank branch where a safe deposit box contains physical evidence regarding the remains of the sacred female. All of this is followed by dangerous escape from the bank.
 - **Escape from bank** sequence and details—close call escapes are stock elements in thrillers. However, combining the sequence of the above elements makes the escape scenes seem suspiciously similar.
 - **The cover-up** of the importance of the sacred female, the knowledge of whom would be a revelation that could topple the Catholic Church and possibly all of Christendom.

- **The relics:** Sophia relics are similar to Magdalene relics in establishing the truth—but both are either lost or not to be recovered in order to maintain faith and stability of the Catholic Church in the world.
- **Message at end:** Faith in things unseen is more important than evidence of things seen—i.e., the “belief that actual possession of the physical evidence is not as important as the belief in what the physical evidence represents.”

THE SMOKING GUN

70. Finally, the assertion by Brown's attorneys that Brown wrote that Da Vinci's Codex was written on parchment is supported by academic research is intellectually dishonest. By relying upon an obscure website that Brown has not even attested he ever saw, Plaintiffs have highlighted the more likely source of Brown's error, which is *Legacy*, of which I am the author. An editing error beyond my control resulted in *Legacy* making the very same mistake by stating that the Codex was written on parchment, instead of linen. Had Brown conducted any credible research, he would have known of the mistake. The conclusion is inescapable that either Brown conducted no such research, or that he copied the mistake from *Legacy*. As my memorandum of law shows, that is what Nimmer calls a 'smoking gun' that plagiarism has occurred.

CONCLUSION

71. The conclusion that Brown copied from me cannot be avoided. *Daughter* does not express ideas, beliefs or historical facts that can be found in existing scholarly works. They can only be found in *Daughter* because I invented those ideas, beliefs and historical facts and organized them in such a way that resulted in my creation of an original view of theology and

religious history. The fact that my same original views also appear in *Code* demonstrates that Brown copied from me.

Dated: New York, New York
April 5, 2005



LEWIS PERDUE

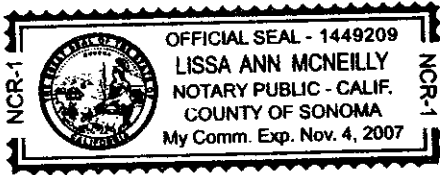
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Sonoma } ss.

On 4-6-05 before me, Lissa Ann McNeilly, Notary Public,
Date Name and Title of Officer (e.g., "Jane D., Notary Public")
personally appeared Lewis Perdue
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Lissa Ann McNeilly
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

